



Entered on Docket  
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTY-FIRST  
OMNIBUS OBJECTION OF USACM  
LIQUIDATING TRUST TO DOUBLE  
COUNTED CLAIMS**

Hearing Date: October 19, 2009  
Hearing Time: 3:00 p.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twenty-First Omnibus Objection of USACM  
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7535] (the  
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate  
4 notice of the Objection having been given; no response to the Objection having been filed;  
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7535] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as  
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

## USACM

**Exhibit A**  
**Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
SECURE RETIREMENT TRUST B	C/O LEONA APIGIAN TRUSTEE 172 WOODLAND RD GOLDENDALE WA 98620-2613	10725-01961	101,493.04	50,746.52
SHARP JT TEN, CHRIS & TERRI	29276 WHITEGATE LN HIGHLAND CA 92346	10725-02303	200,000.00	100,000.00
SHELDON & MARION G PORTMAN TRUST DTD 11/1/85	SHELDON & MARION G PORTMAN TTEES 9505 CITY HILL CT LAS VEGAS NV 89134-1171	10725-01912	2,721,699.28	1,360,849.64
SIMMONS HWJTWROS, ALAN R & JUDITH B	PO BOX 13296 SOUTH LAKE TAHOE CA 96151-3296	10725-02175	1,186,288.22	593,144.11
SIMON TTEES OF SIMON FAMILY TR 2000, ALAN & CAROL	1800 WALDMAN AVE LAS VEGAS NV 89102-2437	10725-01909	202,866.68	101,433.34
SKIP & MARY HAROUFF TRUST DTD 12/5/95	MARY ANN & DWIGHT W HAROUFF TTEES 5680 RUFFIAN RD LAS VEGAS NV 89149	10725-01966	626,556.78	313,278.39
SMALL FAMILY TRUST	RICHARD & JACQUELIND SMALL TTEES 4801 CALLE SANTA CRUZE PRESCOTT VALLEY AZ 86314	10725-01955	703,134.00	351,567.00
SOUZA JT TEN, DAVID A & ELIZABETH M	542 SOCORRO CT RENO NV 89511	10725-01960	1,031,654.42	515,827.21
STARK FAMILY TRUST DTD 4/2/84	ROLAIND L STARK TTEE 10905 CLARION LN LAS VEGAS NV 89134	10725-01996	198,268.14	99,134.07
STOEBLING FAMILY TRUST	C/O DAVID STOEBLING TRUSTEE 3568 E RUSSELL RD STE D LAS VEGAS NV 89120-2234	10725-00945	100,000.00	50,000.00